

Noncoal Small to Regular Mining Permits

NEWSPAPER PUBLICATION AND NOTIFICATION FOR PROPOSED CONVERSION OF A SMALL MINING PERMIT TO A REGULAR MINING PERMIT

W.S. §35-11-406(j) - Second Publication

Upon notification by the Land Quality Division the applicant shall commence the following:

1. A copy of the application needs be filed with the Office of the County Clerk in the counties in which the proposed permit area is located no later than the first day of publication. **Immediately following filing, submit an affidavit of filing from the Office of the County Clerk to the Land Quality Division.** THIS COPY SHOULD BE REMOVED FROM THE COUNTY CLERK'S OFFICE AFTER PERMIT APPROVAL.
2. Publish a notice in a newspaper of general circulation in the locality of the proposed operation once a week for four (4) consecutive weeks (see sample format below).
3. Mail within five (5) days after the first publication copies of the notice to all parties as given in W.S. §35-11-406(j), (as amended in 1995) and an application mine plan map to the Wyoming Oil and Gas Conservation Commission, PO Box 2640 Casper, WY 82602 or 2211 King Blvd Casper, WY 82604.
4. On completion of publication submit a sworn affidavit from the newspaper and a copy of the notice to the Land Quality Division.
5. As soon as possible and several weeks before the end of the public comment period, submit a sworn statement of mailing to the Land Quality Division. Please use the example affidavit of mailing which is attached.

SINGLE PUBLICATION SAMPLE FORMAT FOR
CONVERSION OF A SMALL MINING PERMIT TO A REGULAR MINING PERMIT

Public Notice

The (Company Name) of (Main Company Location) has applied for a conversion to a regular mining permit from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming. The mining permit (amendment) area for the mining of (Mineral e.g., sand & gravel, limestone, etc.) will be located in: (Legal description of permit area - Section, Township, Range, County Name) County, Wyoming. (The area is) approximately (Locate the area relative to the closest town and a natural landmark, i.e.: a water source or a physical attribute of the area - ex: road, cliff, mountain, canyon, gorge, desert, etc.). The proposed regular mine operation is scheduled to begin (Month and year) and is estimated to continue until (Year).

Information regarding the proposed mining operation and reclamation procedures may be reviewed in the Office of the Land Quality Division of the Department of Environmental Quality in Cheyenne and (Location of local District Office) or the (County Name) County Clerk's Office (City Name), Wyoming. Written objections shall apply only to the request of the operator to expand the operation (Chapter 9, Section 7 Land Quality Division, Noncoal Rules and Regulations) and must be received by the Administrator of the Land Quality Division of the Department of Environmental Quality, 200 W. 17th Street, Suite 10, Cheyenne, WY 82002, before the close of business (Date 30 days after the last publication). If an objection specifically requests a public hearing before the Environmental Quality Council, a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The Environmental Quality Council or Director shall publish notice of the time, date and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act (W.S. §16-3-101 through §16-3-115), and the right of judicial review shall be afforded as provided in that Act. All parties as given in W.S. §35-11-406(j) will be mailed a copy of this notice. The Wyoming Oil and Gas Conservation Commission will be mailed a copy of the application mine plan map as required in W.S. §35-11-406(j). This notice satisfies the requirements for both W.S. §35-11-406(g) and W.S. §35-11-406(j).

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

IN THE MATTER OF THE (TYPE OF PERMIT))
PERMIT APPLICATION OF (ENTITY),)
TFN _____)

AFFIDAVIT OF (NAME OF AFFIANT)
OF NOTICE

I, (NAME), after being duly sworn upon my oath, deposes and states as follows:

1. I am appointed to the office of (POSITION), for (COMPANY). I am submitting this affidavit to comply with the sworn statement requirement in W.S. §35-11-406(j). In my capacity as (POSITION), I am responsible for ensuring that (COMPANY NAME) has complied with the notice requirements in W.S. §35-11-406(j) for the above-captioned permit application. This application is for a conversion of a noncoal small mining permit to regular mining permit.
2. On (DATE), (COMPANY NAME) received notice from the Department of Environmental Quality, Land Quality Division that it has determined our application is complete and suitable for final publication.
3. On (DATE), (NAME OF NEWSPAPER) printed the first notice in the required four week sequence for final publication of this application. On (DATE), (COMPANY NAME) mailed a copy of the notice to all surface owners of record of the land within the permit area, to all surface owners of record of immediately adjacent lands, and to all surface owners within one-half (½) mile of the proposed mining site. On (DATE), (COMPANY NAME) mailed a copy of the application mining plan map to the Wyoming Oil and Gas Conservation Commission.

DATED _____.

Signature

(TYPE NAME AND TITLE HERE)

STATE OF WYOMING)
) ss.
COUNTY OF _____)

Subscribed, sworn to and acknowledged before me by _____
on this _____ day of _____ 20_____.

Notary Public

My Commission expires: _____